

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled CELL ACTIVATOR, PROCESS FOR PRODUCING CELL ACTIVATOR AND APPARATUS THEREFOR; PCT Application No. PCT/JP2003/014024, filed in the Japanese Receiving Office on October 31, 2003; the documentation for entry into the U.S. national phase was filed on April 29, 2005 as Application Serial No. 10/533,360;

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

No. 2002-320570

Country: Japan

Date Filed: 11/01/02

Priority
Claimed
Yes

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

1-00 Full name of first inventor: Yoichiro NAGASU

Inventor's signature

Yoichiro Nagasu

Date

August 1 2005

Residence: 15, Saiwaicho 9-chome, Atugi-shi, Kanagawa 243-0012 Japan JPX

Citizenship: Japan

Post Office Address: Same as above

2-00 Full name of second inventor: Shin AIZAWA

Inventor's signature

Shin Aizawa

Date August 1, 2005Residence: 46, Toyotamaue 2-chome, Nerima-ku, Tokyo 176-0011 Japan JPX

Citizenship: Japan

Post Office Address: Same as above

3-00 Full name of third inventor: Toshihisa HOSHIAIInventor's signature Toshihisa HoshiaiDate August 3, 2005Residence: 1-5, Nakahara 2-chome, Mitaka-shi, Tokyo 181-0005 Japan JPX

Citizenship: Japan

Post Office Address: Same as above

4-00 Full name of fourth inventor: Tadatomo NAGAOInventor's signature Tadatomo NagaoDate August 5, 2005Residence: 1357, Matsubashi Matsubashimati, Shimomashiki-Gun, Kumamoto 869-0502 Japan JPX

Citizenship: Japan

Post Office Address: Same as above

5-00 Full name of fifth inventor: Masaya NAGASUInventor's signature Masaya NagasuDate August 8, 2005Residence: 22-9, Kameari 1-chome, Katsushika-ku, Tokyo 125-0061 Japan JPX

Citizenship: Japan

Post Office Address: Same as above

⇒ MISSING

6-00 Full name of sixth inventor: Shouichi NONAKAInventor's signature Shouichi Nonaka

Page 3

Attorney's Docket No. YONED.001APC

Date August 6, 2005

Residence: 9-37, Kasuga 2-chome, Kumamoto-shi, Kumamoto 860-0047 Japan J Px

Citizenship: Japan

Post Office Address: Same as above

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

1794298
062805

YONED. 001APC
DEA 1102

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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www.uspto.gov

| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/533,360 | 04/10/2006 | 1645 | 695 | YONED.001APC | 16 | 7 | 3 |

CONFIRMATION NO. 7302

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

FILING RECEIPT



OC000000018974863

Date Mailed: 06/07/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Yoichiro Nagasu, Atugi-shi, JAPAN;
Shin Aizawa, Tokyo, JAPAN;
Toshihisa Hoshiai, Tokyo, JAPAN;
Tadatomo Nagao, Kumamoto, JAPAN;
Shouchi Nonaka, Kumamoto, JAPAN;

please add
Masaya Nagasu, Tokyo, JAPAN.

Power of Attorney: The patent practitioners associated with Customer Number 20995.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP03/14024 10/31/2003

Foreign Applications

JAPAN 2002-3205070 11/01/2002

Projected Publication Date: To Be Determined - pending completion of Security Review

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Cell activator, process for producing cell activator and apparatus therefor

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR

1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**NATIONAL PHASE
UTILITY APPLICATION**

**Transmittal to the (DO/EO/US)
Under 35 USC 371**

Attorney Docket No.: YONED.001APC
First Named Inventor: Yoichiro NAGASU
Int'l Application No.: PCT/JP2003/014024
Int'l Filing Date: October 31, 2003
Priority Date Claimed: November 1, 2002
Title: CELL ACTIVATOR, PROCESS FOR PRODUCING CELL
ACTIVATOR AND APPARATUS THEREFOR
Express Mail Label No.: EV 309074410 US

10/533360

Direct all correspondence to Customer No.: 20995

Date: April 29, 2005

Page 1 of 2

Mail Stop PCT

United States Patent and Trademark Office

P.O. Box 1450

Alexandria VA 22313-1450

The following enclosures are transmitted herewith to be filed in the patent application of:

Inventors:

- | | |
|--------------------|----------------------|
| 1. Yoichiro NAGASU | 2. Shin AIZAWA |
| 3. Shouchi NONAKA | 4. Masaya NAGASU |
| 5. Tadatomo NAGAO | 6. Toshihisa HOSHIAI |

APPLICATION ELEMENTS:

- (X) This is a FIRST submission of items concerning a filing under 35 U.S.C. § 371.
- (X) The U.S. has been elected (Article 31).
- (X) A copy of the International Application as filed (35 U.S.C. § 371(c)(2)) is attached hereto.
- (X) An English translation of the International Application as filed is attached hereto.
- (X) Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. § 371(c)(3)) have not been and will not be made.

OTHER APPLICATION PARTS:

- (X) 13 Sheets of Drawings.
- (X) International Search Report (PCT/ISA/210).
- (X) Preliminary Amendment: Amendments to the specification is attached hereto on Page 3.
- (X) An Information Disclosure Statement and PTO/SB/08 equivalent listing references for consideration:
 - (X) Listing twelve (12) references.
 - (X) Enclosing twelve (12) references.
- (X) International Application As Published (WO 2004/039794 A1).
- (X) Return prepaid postcard.

FILING FEES:

**NATIONAL PHASE
UTILITY APPLICATION**

**Transmittal to the (DO/EO/US)
Under 35 USC 371**

Attorney Docket No.: YONED 001APC
First Named Inventor: YONED 001APC
Int'l Application No.: PCT/JP2003/014024
Int'l Filing Date: October 31, 2003
Priority Date Claimed: November 1, 2002
Title: CELL ACTIVATOR, PROCESS FOR PRODUCING CELL
ACTIVATOR AND APPARATUS THEREFOR
Express Mail Label No.: EV 309074410 US

Direct all correspondence to Customer No.: 20995

Date: April 29, 2005

Page 2 of 2

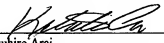
FILING FEES:

The present application qualifies for Small Entity Status under 37 CFR 1.27.

| FEE CALCULATION | | | | |
|--|------------|--------------|---|--------------|
| FEE TYPE & DETERMINATION | | SMALL FEE | CALCULATION | TOTAL |
| Basic Filing Fee under 1.492(a) | | 2631 (\$150) | | \$150 |
| Search Fee under 1.492(b) (enter one in TOTAL column) | | | | |
| (1) USPTO was the ISA | | 2641 (\$50) | | \$200 |
| (2) Foreign Search Report Enclosed | | 2642 (\$200) | | |
| (3) No Search Report Enclosed | | 2632 (\$250) | | |
| Examination Fee under 1.492(c) (enter one in TOTAL column) | | | | |
| (1) USPTO was IPEA & claims satisfy Art. 33 (1)-(4) | | 2643 (\$50) | | \$100 |
| (2) Non US IPEA / Noncompliant Claims | | 2633 (\$100) | | |
| Excess Claims | 7 - 20 = 0 | 2615 (\$25) | 0 x 25 = | \$0 |
| Excess Ind. Claims | 3 - 3 = 0 | 2614 (\$100) | 0 x 100 = | \$0 |
| Multiple Dep. Claim | | 2616 (\$180) | | \$180 |
| | | | TOTAL FEE DUE | \$630 |
| | | | TOTAL FEE PAID (if Different Than Fee Due) | \$630 |

(X) A check in the amount of \$630 to cover the Total Fee Due is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.


Katsuhiko Arai
Registration No. 43,315
Attorney of Record
Customer No. 20,995
(949) 760-0404

10/222200

--- Attached Sheet
JC20 Rec'd PCT/PTO 29 APR 2005

AMENDMENTS TO THE SPECIFICATION

Prior to the first line of the specification on page 1, please insert the following paragraph:

--This application is the U.S. National Phase under 35 U.S.C. §371 of International Application PCT/JP2003/014024, filed on October 31, 2003, which claims priority of Japanese Patent Application No. 2002-320570, filed on November 1, 2002. The International Application was published under PCT Article 21(2) in a language other than English. --

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yoichiro NAGASU, et al.
Appl. No. : 10/533,360
Filed : April 10, 2006
For : CELL ACTIVATOR, PROCESS
FOR PRODUCING CELL
ACTIVATOR AND APPARATUS
THEREFOR
Examiner : Unknown
Art Unit No. : 1645

REQUEST FOR CORRECTED FILING RECEIPT

Office of Initial Patent Examination
Customer Service Center
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants noticed that the fifth applicant's name was omitted in the filing receipt mailed June 7, 2006 in the above-identified patent application. Please add the fifth applicant's name, **Masava Nagasu, Tokyo, JAPAN** to the filing receipt and issue a corrected official filing receipt to reflect the true address. Please charge any fees for this request to our deposit Account No. 11-1410 if necessary.

Enclosed in support of this Request are the following:

- (X) A copy of the Official Filing Receipt.
- (X) A copy of the signed Declaration in three (3) pages.


Appl. No. : 10/533,360
Filed : April 10, 2006

(X) A copy of the Application Transmittal submitted on April 29, 2005.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 9, 2006

By: 
Katsuhiko Arai
Registration No. 43,315
Attorney of Record
Customer No. 20,995
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